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EXAMINER

DIVINE, LUCAS

ART UNIT PAPER NUMBER

2624

DATE MAILED: 08/11/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/733,027

Applicant(s)

GOVINDARAJAN ET AL.

Examiner

Lucas J Divine

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☒ Claim(s) 7-12 and 19-24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following are quotations of the first and second paragraphs of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 6 and 18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not point out what identifying characteristics of the instructions are included in the first end and begin in instructions.

2. Claims 1-24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claims 1 and 13, page 19 line 8 and page 21 line 29, the claims recite the limitation of “client-specific resource data object.” Applicant only refers to client-specific data in the specification.

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As defined by the Microsoft Press Computer Dictionary and known to those of ordinary skill in the art, an object, in an object-oriented system, is: "a variable comprising of both routines and data that is treated as a discrete entity."

In the specification, client-specific user data is described, without particular definition of said object. Thus the specification fails to adequately describe what the object is and whether or not this client-specific resource data object is said 'routines and data,' as known to those of ordinary skill in the art, or just data. The applicant is asked to resolve the discrepancy and/or to define and explain the said object.

Regarding claims 2-12 and 14-24, which depend from the independent claims 1 and 13, these claims include the limitation of a resource data object and are rejected for the reasons stated above in the rejection of claims 1 and 13.

3. Claims 6 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are indefinite as to what instructions are identified in the first begin scope instruction and the first end instruction. A reading implies the inclusion of both the begin and end scope instruction information in the begin scope instruction as well as the end scope instruction. Clarification in regards to what information is included and what it identifies is requested to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1, 2, 6, 13, 14, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Howard et al. (US 6584505) hereafter referred to as Howard.

Regarding claim 13, Howard discloses one or more computers interconnected by a network (Fig. 1, col. 1 line 17, wherein the networked system is the internet, a global network of connected computing systems) and computer programs executing on said computing machines (Fig. 2, col. 4 line 46). Howard also teaches the use of a begin scope instruction (Fig. 4 ref. no. 206, col. 6 lines 60-64, wherein the user signs on, sending instruction information to the server to begin the session) and an end scope instruction (col. 7 line 27, wherein the user chooses to log out of the system, thus sending an end session instruction to the server). The limitations in claim 13 of tracking client-specific resource data objects after the begin instruction (col. 7 lines 23-26, wherein the client-specific resource data is tracked in a cookie) and the removal of said resource

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objects after the end instruction (col. 7 lines 27-30, wherein the cookie containing reference to the resource objects is removed from the client system) are also met by Howard.

Regarding claim 14, which depends from claim 13, Howard's fundamental system automatically includes a transient scope in the tracking of the client resource data by removing client-specific data objects after session termination. Howard discusses that if the user session times out and the user does not verify login information, the session is automatically terminated prior to an end scope instruction (col. 8 lines 1-7 and col. 7 line 28). The first client-specific resource data is then removed from their system (col. 7 lines 27-30).

Regarding claim 18, which depends from claim 13, identifying information of the first begin and end instructions is inherent to the login and logout of Howard. The login and logout of Howard must include information tying which logout relates to which login and other information such as user name and information.

Regarding claim 1, the method steps of claim 1 are wholly recited in the program instructions in the computer system as discussed in the rejection of claim 13. Therefore, the claimed limitations of method claim 1 are met in the rejection of claim 13.

Regarding claim 2, the method steps of claim 2 as depending from claim 1 are included in the computer system discussed in the rejection of claim 14 as it depends from claim 13. Therefore, the claimed limitations of method claim 2 are met in the rejections of claims 13 and 14.

Regarding claim 6, the method steps of claim 6 as depending from claim 1 are including in the computer system of claim 18 as it depends from claim 13. Therefore, the claimed limitations of method claim 3.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howard and Graber et al. (US 5717860) referred to hereafter as Graber.

Regarding claim 13, Howard discloses a networked system (Fig. 1, col. 1 line 17, wherein the networked system is the internet, a global network of connected computing systems) and computer programs executing on said computing machines (Fig. 2, col. 4 line 46). Howard also teaches the use of a begin scope instruction (Fig. 4 ref. no. 206, col. 6 lines 60-64, wherein the user signs on, sending instruction information to the server to begin the session) and an end scope instruction (col. 7 line 27, wherein the user chooses to log out of the system, thus sending an end session instruction to the server). The limitations in claim 13 of tracking client-specific resource data after the begin instruction (col. 7 lines 23-26, wherein the client-specific resource data is tracked in a cookie) and the removal of said resource data (col. 7 lines 27-30, wherein the cookie containing reference to the resources is removed from the client system) are also met by Howard.

Howard discloses cookies as files holding tracked resource data possibly including user profile information, user authentication information, or a list of network servers previously

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visited by the server (col. 2 lines 60-63), but fails to disclose a resource data object that has a specific structure and function of storing all data in one functional object.

Graber teaches a Method and Apparatus for Tracking the Navigation Path of a User on the World Wide Web that includes a data structure for storing user records (Fig. 4, col. 4 line 8 and discussed in col. 8 and 9). User records can be a wide variety about the user including all examples shown in Graber (Fig. 4). This data structure for user records has specific functions similar to that of the applicant's client-specific data storage (Fig. 6, page 13 line 1 of application as compared to Fig. 3 ref. no. 310, col. 7 line 65 of Graber).

The inventions of Howard and Graber are combinable because they both include methods and apparatuses for the tracking of data on a networked system.

It would have been obvious to a person of ordinary skill in the art to use the more functional data structure of Graber for the storing of tracked data in Howard's networked server system. The motivation for adding the more functional data structure would have been to making the cookies of Howard more useful by combining the data into one functional structure in order to manage the data more efficiently.

Regarding claim 1, the method steps of claim 1 are wholly recited in the program instructions in the computer system of the rejected claim 13. Therefore, the claimed limitations of method claim 1 are met in the rejection of claim 13.

6. Claims 3 and 5, which depend from claim 1, and claims 15 and 17, which depend from claim 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howard in view of Haun et al. (US 6751658) hereafter referred to as Haun.

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Regarding claim 15, Howard teaches all of the limitations of the rejected independent claim 13. Howard teaches using temporary data but does not teach persistent data storage for designated user items.

Haun teaches persistent data storage (Fig. 1 ref. no. 186) for storing client-specific data objects for use in the next client session if the current client session terminates (col. 6 lines 23-30). The objects that are stored are designated persistent in response to a client instruction (col. 5 lines 15-18 and col. 6 line 29, wherein changes are made by the user that set the desirable persistent information). The first begin instruction that initiates the login must include a persistent instruction in order to let the management process know to bring up the persistent objects from the last session (col. 6 line 31, wherein the user's next login brings back their client persistent information).

Howard and Haun are combinable because both teach networked systems including client sessions and client data.

It would have been obvious to one of ordinary skill in the art to add the program steps of Haun to the networked client system of Howard in order to enable desirable persistent storage of client data. This motivation would allow the system of Howard to bring back user information, preferences, profiles, and other desirable data from session to session.

Regarding claim 17, Howard in view of Haun teaches all of the limitations listed. Howard teaches all of the limitations of the rejected independent claim 13. The limitations referring to transient scope are included in the Howard rejection of claim 14. The limitations referring to persistent scope are included in the Howard in view of Haun rejection of claim 15.

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Regarding claim 3, the method steps of claim 3 as depending from rejected claim 1 are included in the computer system of claim 15 as it depends from claim 13. Therefore, the claimed limitations of method claim 3 are met in the rejections of claims 13 and 15.

Regarding claim 5, the method steps of claim 5 as depending from rejected claim 1 are included in the computer system of claim 17 as it depends from claim 13. Therefore, the claimed limitations of method claim 5 are met in the rejections of claims 13 and 17.

7. Claims 4, which depends from claim 1, and claim 16, which depends from claim 13, are rejected under 35 U.S.C. 103(a) as being unpatentable over Howard in view of Harrison et al. (US 6691113) hereafter referred to as Harrison.

Regarding claim 16, Howard teaches all of the limitations of the rejected independent claim 13. Howard teaches using temporary data but does not teach persistent data storage in client name-space for designated user items.

Harrison discloses Persistent Data Storage for Client Computer Software Programs. Harrison teaches a designating persistent data objects with names for the objects (col. 7 line 67, wherein the data is stored with names). These objects are stored in a persistent folder in the client name-space in response to a client instruction (Fig. 6 ref no. 500, col. 5 line 11 and col. 7 lines 65 and 66, wherein the client persistent data is stored on the client computer). The instruction could be any of a number of things, from logging out, setting preferences, changing profile information, or any other user data.

Howard and Harrison are combinable because they both teach networked computing systems with clients and client data.

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It would have been obvious to one of ordinary skill in the art to add the persistent data scheme and naming of Harrison to the client system of Howard. The motivation for doing so would have been to allow the system of Howard to bring back user information, preferences, profiles, and other desirable data from session to session and to access this data with specific naming to make the system easy for use and design.

Regarding claim 4, the method steps of claim 4 as depending from rejected claim 1 are included in the computer system of claim 16 as it depends from claim 13. Therefore, the claimed limitations of method claim 4 are met in the rejections of claims 13 and 16.

Allowable Subject Matter

8. Claims 7 – 12 and 19 – 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and if all 35 U.S.C. 112 rejections are overcome.

Regarding claims 7 and 19, the prior art does not teach singularly or in combination the limitations of pausing tracking of the first scope client-specific resource data along with resuming tracking of the first client-specific data objects once a second end instruction has been received.

Regarding claims 12 and 24, the prior art does not teach singularly or in combination the limitations of the first begin scope instruction including a persistent scope instruction and the second begin scope instruction including a transient scope instruction.

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Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lucas J Divine whose telephone number is (703)306-3440. The examiner can normally be reached on Monday through Friday, 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (703)308-7452. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lucas J Divine
Examiner
Art Unit 2624

ljd



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